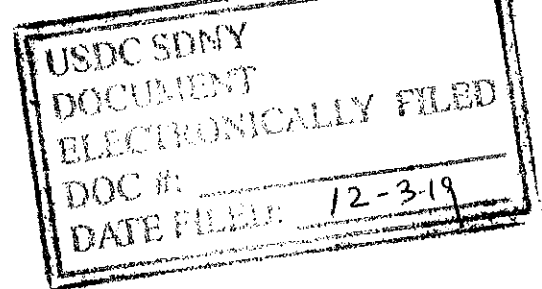


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



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UNITED STATES OF AMERICA, :
 : Nos. 11 Cr. 755 (JFK)
 -against- : 19 Civ. 6964 (JFK)
 :
 JESUS HILARIO-BELLO, : **ORDER**
 :
 :
 Defendant. :
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JOHN F. KEENAN, United States District Judge:

On June 27, 2016, Defendant Jesus Hilario-Bello's counsel filed a motion to vacate Defendant's conviction pursuant to Johnson v. United States, 135 S. Ct. 2551 (2015). (11 Cr. 755 (JFK), ECF No. 362.) On February 2, 2018, the Court stayed Defendant's motion under Chief Judge McMahon's June 8, 2016 Standing Order regarding habeas corpus petitions asserting claims under Johnson. (ECF No. 386.) On July 24, 2019, Defendant filed a pro se motion to vacate his conviction ("the 2019 Motion") (ECF No. 412), to which the Court ordered the Government to respond by October 15, 2019 (ECF No. 416).

On October 10, 2019, the Government wrote the Court, with the consent of Defendant's counsel, to request additional time to file any papers. (ECF No. 420.) The Government's letter stated: "Defense counsel has asked the Government not to respond to the 2019 Motion until defense counsel has had an opportunity to confer with his client." (Id.) That same day, the Court granted the Government's request and (1) ordered defense counsel

to file any amended papers by December 9, 2019, and (2) ordered the Government to respond to the 2019 Motion no later than 30 days from the date any additional papers are filed by Defendant. (ECF No. 421.)

On October 28, 2019, Defendant filed a pro se motion for a status update regarding why the Government had not filed its response to the 2019 Motion. (ECF No. 422.) On October 30, 2019, the Court denied Defendant's request for a status update and ordered Defendant's counsel to confer with Defendant by November 6, 2019, or inform the Court by letter stating the reasons why he was unable to do so. (ECF No. 423.) The Court mailed copies of its October 10, 2019, and October 30, 2019 Orders to Defendant. (ECF No. 424.)

On November 27, 2019, Defendant filed a second pro se motion for a status update. (19 Civ. 6964 (JFK), ECF No. 9.) Defendant's second motion for a status update, which is dated November 12, 2019, includes numerous assertions regarding Defendant's counsel, including a request by Defendant to terminate defense counsel from representing Defendant in this action and to allow Defendant to proceed pro se. (Id.)

Accordingly, Defendant's counsel is ORDERED to file a letter with the Court providing an update regarding (1) the status of defense counsel's representation of Defendant, and (2) the status of any amended papers that defense counsel intends to

file on Defendant's behalf. Defense counsel's letter update must be filed no later than 5:00 p.m. on Friday, December 6, 2019, with a copy placed in the mail to Defendant on the same day the letter update is filed.

SO ORDERED.

Dated: New York, New York
December 3, 2019

A handwritten signature in cursive script, reading "John F. Keenan", written over a horizontal line.

John F. Keenan
United States District Judge